

# EXHIBIT C

**Elizabeth Castillo**

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**From:** Adam Zapala  
**Sent:** Friday, September 9, 2022 10:48 AM  
**To:** Christopher L. Lebsack; Seth R. Gassman; Elizabeth Castillo  
**Subject:** FW: TransPacific Airline

Adam J. Zapala ([Bio](#))

**COTCHETT PITRE & McCARTHY LLP**

**A LITIGATION LAW FIRM – SAN FRANCISCO, LOS ANGELES, NEW YORK, SEATTLE**

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**From:** J A Roth <[jroth@jarothlaw.com](mailto:jroth@jarothlaw.com)>  
**Sent:** Friday, September 9, 2022 10:45 AM  
**To:** Adam Zapala <[AZapala@cpmlegal.com](mailto:AZapala@cpmlegal.com)>  
**Subject:** RE: TransPacific Airline

This office is not aware of any fraud. Please provide evidence of any fraud so we may research it.

J. Roth, Esq.

----- Original Message -----

On Tuesday, September 6th, 2022 at 6:32 PM, Adam Zapala <[AZapala@cpmlegal.com](mailto:AZapala@cpmlegal.com)> wrote:

Dear Mr. Roth:

This email responds to the email that you sent to my partner, Elizabeth Castillo, set forth below.

Thank you for your email. We are disappointed that you and your client have refused to provide further information validating your client's alleged purchases. As you know, as Class Counsel, we have a duty to ensure that settlement funds are paid to claimants that made valid purchases. Additional information has come to light, which suggests that your client may not have valid purchases, or at least may not have the level of purchases it averred to in a declaration under oath. This is precisely why we have asked for additional information. If you and your client are not willing to provide the additional information sought in order to validate Corp. Xanadu's claim, Rust and Class Counsel will not support distribution of any funds to your client, and we will advise the Court of potential concerns surrounding Corp. Xanadu's claim. We also want to alert you to the existence of California State Bar Formal Opinion No. 1996146, <https://www.calbar.ca.gov/Portals/0/documents/ethics/Opinions/1996-146.htm>, and ask that you satisfy yourself that you are in compliance with all ethical provisions that govern attorney conduct in the State of California.

With respect to your statement about Class Counsel's fee request, your contention is incorrect. As an initial matter, Class Counsel are seeking their fee petition at the invitation of the Court. Moreover, Class Counsel previously provided notice of its intended fee. Please let us know if you reconsider your position. Thank you.

Adam J. Zapala ([Bio](#))

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**From:** Elizabeth Castillo <[ecastillo@cpmlegal.com](mailto:ecastillo@cpmlegal.com)>  
**Sent:** Tuesday, September 6, 2022 7:34 AM  
**To:** Adam Zapala <[AZapala@cpmlegal.com](mailto:AZapala@cpmlegal.com)>; Christopher Lebsock <[clebsock@hausfeldllp.com](mailto:clebsock@hausfeldllp.com)>; Seth Gassman <[sgassman@hausfeldllp.com](mailto:sgassman@hausfeldllp.com)>  
**Subject:** Fwd: TransPacific Airline

Sent from my iPhone

Begin forwarded message:

**From:** J A Roth <[jroth@jarothlaw.com](mailto:jroth@jarothlaw.com)>  
**Date:** September 6, 2022 at 12:21:08 AM PDT  
**To:** Elizabeth Castillo <[ecastillo@cpmlegal.com](mailto:ecastillo@cpmlegal.com)>  
**Subject:** RE: TransPacific Airline  
**Reply-To:** J A Roth <[jroth@jarothlaw.com](mailto:jroth@jarothlaw.com)>

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Dear Ms. Castilo:

Thank you for your email.

Considering the representations to the Court that your firm and Rust Consulting audited the claims and approved them, we decline to make the claimant available for any form of deposition relitigating the matter.

Your request for attorney fees without reasonable notice to the class violates Rule 23. Your plan to "redistribute" claimant funds to Class Counsel without sending an email to claimants whose checks were returned is objectionable. You have a 25% fail rate and have a duty to let the people know that their checks never made it to them, especially with many claimants being international. Not telling claimants their checks were returned constitutes fraudulent concealment.

You need to immediately withdraw your motion for an award of fees and first notify the class and all persons affected by your plan. Reasonable notice would be at least an email to all class members about your fees. Claimants who did not receive their checks should be emailed advising them how to request their funds before you seek to convert the funds into attorney fees.

We trust you understand this position.

J. A. Roth, Esq.